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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

COBURN, CORBETT B

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 04/17/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/750,742	Applicant(s) COLE ET AL.	
	Examiner Corbett B. Coburn	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 03 February 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 35-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 35-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because the boxes in Fig 2 do not contain words indicating the purpose of the box. Boxes with numbers, even part numbers, do not readily convey information to the viewer. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

2. Applicant's amendments have overcome all objections to the specification, which are hereby withdrawn.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 35-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Takemoto et al (US Patent Number 5,807,177).

**Claim 35:** Takemoto teaches a game station (Fig 9) configured to present multiple independent games simultaneously to each of two players. Fig 9 clearly depicts a base unit having an upwardly extending base portion. While not labeled, the base unit clearly has a first end and a second end. There are two horizontal playing surfaces (the shelves) general opposite one another and extending outwardly from the base portion. The

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playing surfaces are sufficiently large to accommodate at least one game card, permitting the players to play at least one game using the game card at the game station. There is a console extending upwardly from the base portion between the first and second play surfaces. The console has a face facing each of the playing surfaces. There is a first and second video display (B) at the first face. These video displays are arranged side-by-side and are located vertically above the first playing surface. There are a third and fourth video display located in an identical fashion on the second face. Fig 7 teaches that each of the video displays (B) has a game controller (91) adapted to present information regarding a respective game independently of the games displayed on the other video displays. There is a wager accepting device (6) adjacent to each playing surface adapted to accept wagers placed by the player to play the corresponding games. The first and second players may concurrently play one or more games using the respective playing surfaces as well as games presented on the respective video displays.

**Claim 37:** In order to provide video output each video monitor (B) must be associated with a tuner adapted to accept a video feed. Takemoto teaches a selector (4) for use by each player to control the tuners to present video information of the respective video display. Selector (4) is used to select the game to be displayed on the video screen.

**Claim 39:** Takemoto teaches that the game controllers may be located with the video displays (B). (Col 4, 4-5) In this configuration, the game controllers would be mounted on the respective vertical surfaces extending upwardly from the base.

**Claim 44:** Takemoto teaches that each game controller may be configured to play any type of game. This would include class II & class III games. (Col 3, 64-65)

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***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 36, 38, 41 & 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto as applied to Claim 35.

**Claims 36, 38, 41 & 46:** Takemoto clearly teaches first and second playing surfaces (shelves), but does not specify the depth of the shelves. Clearly, the shelves are long enough to accommodate the players' legs. The particular depth of the shelves used is a matter of design choice, wherein no stated problem is solved, or unexpected result obtained, by using the specific depth of the shelves claimed versus the indicia taught by the prior art. As the Applicant's claims make clear, the depth of a shelf can be made any size depending on the functionality desired. Applicant has four claims drawn to the depth of the shelves. In each claim, the shelf is made a different size. This is a textbook example of design choice. It would have been obvious to one of ordinary skill in the art at the time of the invention to have made the shelves of any depth necessary (including 12, 14, and 30 inches) in order to achieve the desired functionality of the shelf.

7. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto as applied to claim 35 above, and further in view of Gabrius et al. (US Patent Number 5,113,990).

**Claim 40:** Takemoto teaches the invention substantially as claimed, but does not teach a housing located between the console and the second end with a wager-accepting device

mounted therein. Gabrius teaches a wager-accepting device mounted in a housing. (Fig 2) This device allows the player to make wagers using banknotes instead of requiring them to use a card. This increases the number of ways a player can wager, thus increasing potential profits. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Takemoto to include Gabrius' wager-accepting device mounted in a cabinet in order to allow the player to make wagers using banknotes instead of requiring them to use a card, thus increases the number of ways a player can wager and increasing potential profits. Regarding the placement of the housing, the particular placement of the housing is a matter of design choice, wherein no stated problem is solved, or unexpected result obtained, by placing the housing in the location claimed versus the placement of the housing taught by the prior art.

8. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto as applied to claim 35 above, and further in view of Lucero (US Patent Number 5,457,306).

**Claim 42:** Takemoto teaches the invention substantially as claimed, but fails to teach a keypad mounted between the displays on each face of the console. Lucero teaches a keypad mounted on a slot machine cabinet that allows the player to use a general-purpose charge card to wager on the game. This allows a player who does not have a house card to play without going through the procedure for getting one. (Col 1, 67 – Col 2, 8) This flexibility increases the likelihood of players betting. It would have been obvious to one of ordinary skill in the art at the time of the invention to have mounted a keypad in the slot machine cabinet (i.e., on the face of the console) in order to allow a player who does not have a house card to play without going through the procedure for getting one, thus

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providing flexibility that increases the likelihood of players betting. Regarding the placement of the keypad on the face of the console, placing the keypad between the two displays would facilitate use of the keypad with either or both of the displays. This would increase player convenience. It would have been obvious to one of ordinary skill in the art at the time of the invention to have placed the keypad between the two displays in order to facilitate use of the keypad with either or both of the displays, thus increasing player convenience.

9. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto as applied to claim 35 above, and further in view of Taylor (US Patent Number 3,689,072).

**Claim 43:** Takemoto teaches the invention substantially as claimed, but does not teach a moveable, transparent plastic cover for the playing surfaces (shelves). Taylor teaches such a cover. Taylor teaches that such a cover facilitates the play of Bingo. (Abstract) It would have been obvious to one of ordinary skill in the art at the time of the invention to have provide generally transparent covers for each playing surface movable between a first raised position in which the playing surface may be accessed and a second lowered position in which the cover extends over the playing surface in order to facilitate the play of bingo.

10. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto as applied to claim 35 above, and further in view of Weiss (US Patent Number 5,611,730).

**Claim 45:** Takemoto teaches the invention substantially as claimed, but does not teach a master game station controller to control the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> gaming controllers.

Weiss teaches a master gaming controller (82) that controls the gaming controller for

each gaming machine. (Fig 3) Weiss teaches that this allows the implementation of a progressive jackpot. (Abstract) Progressive jackpots attract players by achieving a larger value than normally can be achieved on an individual machine. It would have been obvious to one of ordinary skill in the art at the time of the invention to have a master gaming controller that controls the gaming controller for each gaming machine in order to allow the implementation of a progressive jackpot and attract players by achieving a larger value than normally can be achieved on an individual machine.

***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

cbc

cbc  
April 11, 2003



JESSICA HARRISON  
PRIMARY EXAMINER